

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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GLORIA SHEPHERD,

Plaintiff,

v.

LAW OFFICES OF COHEN & SLAMOWITZ, LLP

Defendant.

ANSWER TO COUNTERCLAIM

CIVIL CASE NO.: 7:08 cv 06199

JUDGE: HON. WILLIAM C. CONNER

ANSWER TO COUNTERCLAIM

Plaintiff GLORIA SHEPHERD by and through her attorneys, Schlanger & Schlanger, LLP, hereby answers Defendant's Counterclaim as follows:

1. As to Paragraph 15, which incorporates Defendant's entire Answer by reference: Incorporated Paragraphs 1-6 (encompassing Defendant's admissions and denials) need not be admitted or denied by Plaintiff. Incorporated Paragraphs 7-11 (encompassing Defendant's "affirmative defenses") need not be admitted or denied but, to the extent any response is deemed necessary, Plaintiff denies that any of the stated affirmative defenses constitute a meritorious defense as applied to Plaintiff's claims and denies that Defendant is entitled to any of the relief referenced therein.
2. Plaintiff denies each and every allegation set forth in Paragraph 16 and 17.

FIRST AFFIRMATIVE DEFENSE

3. Defendant's counterclaim fails because Plaintiff's claims are meritorious and 15 U.S.C. 1692k(a)(3) applies only to non-meritorious claims.

SECOND AFFIRMATIVE DEFENSE

4. Defendant's counterclaim fails to state a claim upon which relief can be granted.
5. Specifically, relief pursuant to 15 U.S.C. 1692k(a)(3) is properly brought as a motion only following a determination by the Court that Plaintiff's claims lack merit (which they do not).

**THIRD AFFIRMATIVE DEFENSE**

6. Defendant's counterclaim is barred by the doctrines of estoppel, laches and unclean hands.

**FOURTH AFFIRMATIVE DEFENSE**

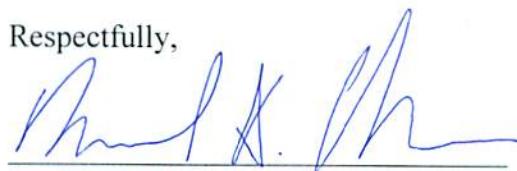
7. Defendant's counterclaim fails because Plaintiff's claims have not been interposed in bad faith.

**FIFTH AFFIRMATIVE DEFENSE**

8. Defendant's counterclaim fails because Plaintiff's claims have not been imposed for purposes of harassment.

**WHEREFORE** Plaintiff respectfully requests that, in addition to all relief sought in Plaintiff's Complaint, the counterclaim against Plaintiff be dismissed with prejudice.

Respectfully,



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